IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO. 5971/1998

JOGENDRA SINGH Vs. THE STATE OF RAJASTHAN

Date: 17.11.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Vikram Singh Nain for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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Brief facts of the case are that the petitioner was appointed as Stenographer on the fixed salary of Rs. 2,000/- per month for a temporary period of 90 days or till further order or till a duly selected candidate joins, whichever is earlier. The petitioner joined his services on 01.11.96 and on 30.01.97 his services were transferred from Home Science Department to Department of Adult Education vide Annexure-2. The term of the petitioner was also extended from time to time beyond the period of 90 days on the same terms and conditions as stipulated in the appointment order, but beyond the period of 30.04.97 no extension order has been passed. Without issuing any formal order the petitioner continued as Stenographer.

The controversy arose when vide order dated 03.06.97, the services of the petitioner have been terminated pursuant to the judgment rendered by this Court in ***S.B. Civil Writ Petition No. 6378/1993- Jai Narain Meena Vs. The University of Rajasthan & Ors., dated 06.01.94.*** Being aggrieved and dissatisfied with his termination order, the petitioner has preferred the present writ petition.

Learned counsel for the petitioner has placed reliance on the judgment rendered by the this Court in ***S.B. Civil Writ Petition No. 310/1998- Mukesh Kumar Vs. University of Rajasthan, along with other connected writ petitions, decided on 09.02.99,*** which were disposed of by this Court in the following terms:-

> (i) The orders of termination of petitioners services being violative of Article 14 of the Constitution of India shall stand set aside and respondent University is directed to reinstate the petitioners with all consequential benefits forthwith.
>
> (ii) The respondent shall forthwith appoint a Committee to examine the effect of Prof. S.D. Mishra Committee's report on the services of the petitioners. The committee shall also consider the availability of the vacant posts, eligibility of the petitioners and length of their services with a view to give a satisfactory solution to a human problem created by the University itself. Finance Officer of the University shall be one of the

> member of the Committee. The committee shall give its report within a period of three months from the date of its information.
>
> (iii) Necessary sanction if required for creating the new posts may be obtained from the State Government in the light of the observations made in the judgment.
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> (iv) If Committee is of the view that the petitioners should be replaced by regularly selected employees, the process of regular selection shall be initiated and in that event the petitioners shall be continued in the services till regular selected candidates are available.
>
> (v) Till the Committee submits its report the petitioners shall be entitled to get the same pay which they were getting on the date of their termination."

By referring the aforementioned judgment, learned counsel for the petitioner submits that the petitioner may be allowed to continue on the post of Stenographer till the regularly selected candidates are made available and he should be paid minimum pay scale.

It is not disputed that the services of the petitioner have been terminated pursuant to the directions issued by this Court in the aforementioned case of ***Jai Narain Meena (supra)*** vide order dated 03.06.97 and since 1997 the petitioner is not working

with the respondents and even considering the ratio decided by this Court in the case of ***Mukesh Kumar (supra),*** no relief can be extended in favour of the petitioner.

It is also not disputed that as per the initial appointment order, the petitioner was engaged for a fixed term and this is not a case of termination but a case of not extending the period, though it was mentioned in the termination order dated 03.06.97 that the services of the petitioner are not required to be further extended in view of the judgment passed by this Court in the case of ***Jai Narain Meena (supra).***

The petitioner has no right to continue on the post and after lapse of more than 8 years, no such writ, order or direction to allow the petitioner to continue on the post of Stenographer till the regularly selected candidates are made available, can be issued by this Court.

Thus, in the light of the aforesaid observations, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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